

Application No. 09/917,859  
Reply dated February 4, 2004  
Response to Office Action dated November 5, 2003

**REMARKS/ARGUMENT**

**Description of amendments**

Claim 10 is now pending and under examination. Applicants have cancelled claims 1-9. No new matter has been added.

**Rejection under 35 U.S.C. §103(a)**

Claims 1-5 and 7-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Hoffman* (U.S. Patent 5,674,011). Claims 1-4 and 6-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Figure 8 of the present application. The cancellation of claims 1-9 renders the rejections moot.

Applicants respectfully submit that new claim 10 is patentable over the cited prior art. The drive unit of claim 10 uses a clearance fit for the spline connection between the hub and drive members of the drive unit. While the Examiner did not state that the cited art discloses a clearance fit for the spline connection, he contended that the only difference between a clearance fit and an interference fit is the amount of clearance. Applicant strongly disagrees.

It is true that the amount of clearance is a difference between a clearance fit and an interference fit, but it is by no means the only difference. It is a well-known fact that a fundamental difference between a clearance fit and an interference fit is that while a special tool is required to assemble two parts with an interference fit, two parts with a clearance fit can be easily assembled without the use of tools. Additionally, two parts with an interference fit are securely attached, while a clearance fit does not attach the two parts to each other. Further, a clearance fit can be a source of vibration and noise under certain operating

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conditions, while an interference fit does not generate vibration or noise. Therefore, the clearance fit and the interference fit are fundamentally different.

Since the cited art does not disclose the use of a clearance fit for the spline connection between the hub and drive members of the wheel drive unit, claim 10 is not anticipated or rendered obvious by the cited art.

Additionally, Applicants wish to reiterate that the claimed invention produces unexpected results. Interference fit had been used in the prior art for the spline connection between the hub and drive members of a wheel drive unit because it was believed that an interference fit eliminates backlash and noise. Contrary to the teaching of the prior art, Applicants discovered that a clearance fit between the hub and drive members of a wheel drive unit does not produce as much noise as it had been commonly believed.

The Examiner dismissed the unexpected result on the ground that what level of noise is acceptable depends on whether the vehicle is a luxury car or a mass market car. Applicants respectfully submit that whether Applicants' invention produces an unexpected result bears no relationship to whether the vehicle is a luxury car or a mass market car. The simple fact is that Applicants discovered that a clearance fit between the hub and drive members of a wheel drive unit does not produce as much noise as it was commonly believed in the prior art. This is true regardless of whether the vehicle is a luxury car or a mass market car. In other words, a clearance fit between the hub and drive members of a wheel drive unit generates lower than expected noise in both luxury cars or mass market cars.

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the

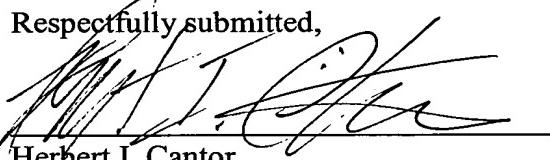
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undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (CAM #: 038920.50252US).

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Respectfully submitted,

  
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